

### REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claim 6, 13, 15, 16, 19, 21, 22, 25, and 26 are pending and stand rejected. Claims 6, 13, 15, 16 and 22 have been amended.

Claims 6, 13, 15, 16, 19, 21-22 and 25-26 stand rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter as these claims when taken as a whole are directed to a mere program listing.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, claims 6, 13, 15, 16 and 22 have been amended to recite that the elements claimed are executed by a computer system or cause a computer system to execute the elements claimed.

With regard to claims 13 and 19, applicant believes that these claims recite a computer system and appropriate means for executing the steps recited therein. However, the steps recited are not limited to computer instruction, as suggested by the Office Action. For example, in claim 19 one claim element refers to "means for receiving a first record." The specification clearly teaches that such means have a structural component ("Computer 30 is further equipped **to receive a video signal including program schedule data from a tuner 12** (e.g., a cable tuner or a satellite tuner). Computer 30 is also equipped with an **infrared port 32** to allow user 11 to select a program to be viewed via a remote control 15. For example, user 11 can utilize remote control 15 to highlight a desired selection from an electronic program guide displayed on television 20. **Computer 30 can have access to a database 13 from which computer 30 can receive updated program schedule data.** The access can be accomplished by a telephone line connectable to an Internet service provider or some other suitable data connection. **Computer 30 is further equipped with a disk drive 31 to upload program schedule data, profile data of user 11, and profile data of other system 10 users via a removable media such as a disk 14.**").

According, the specification provides sufficient disclosure of examples of structural components, e.g., interfaces, for receiving a first record as recited in the claims.

Accordingly, the systems recited in claims 13 and 19 are believed to have adequate support for the structural elements recited in the claims.

For at least this reason, applicant submits that the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claim 19 stands rejected under 35 USC 112, first paragraph as allegedly failing to comply with the enablement requirement.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

As discussed above, the specification clearly refers to a computer system that includes modules (e.g., hardware interfaces) that enable the computer system to receive information from external devices, for example.

The Office Action refers to the specification "only support[ing] a statutory hardware system/method with only a brief mention of the hardware system/method being performed [in] combinations of hardware and/or software without any adequate and enabling disclosure." (see page 4, line 25-page 5, line 3).

Applicant would note that the written description is written to enable one skilled in the art to practice the invention claimed without undue experimentation. In this case, interfaces are well-known in the art and need not be described in detail in the specification to enable one skilled in the art to practice the invention. As the interfaces are not the subject of the invention their detailed disclosure is not required for the understanding of the invention claimed.

For at least this reason applicant submits that the rejection of the claim has been overcome and respectfully requests that the rejection be withdrawn.

Claims 6 and 25 stand rejected under 35 USC 112, second paragraph as allegedly being indefinite as claim 6 recites the element "'selecting the recommendation as that first or second recommendation having the highest ranking,' which appears unclear."

Applicant respectfully disagrees with, and explicitly traverses, the reason for the rejection of the claim. However, claim 6 has been amended to recite "selecting said

recommendation of said program as that first or second recommendation having the highest ranking."

In this case, applicant believes the reason for the rejection has been overcome.

With regard to claim 25, this claim depends from claim 6, and for the amendment made to claim 6, the rejection of claim 25 has been overcome.

For the amendment made to claim 6, applicant respectfully requests that the rejection be withdrawn.

Claims 6, 13, 15, 16, 18 and 22 stand rejected under 35 USC 103(a) as being unpatentable over Vamparys (WO 01/15449) in view of Jacobi (USP no. 6,064,980) and Hendricks (USP no. 5,798,785).

The instant Office Action states on page 7, lines 4-23 "Vamparys further shows associating weights with the plurality of recommender engines (see figure 7, 712 and 714), however is silent on the step of selecting a higher or the two weighted (ranking) recommendation [sic]. Hendricks discloses the method of comparing weighted recommendations against a minimum weighted index and eliminating recommendations that falls below the minimum weight. See Hendricks; column 32, lines 57-62. It would have been obvious to modify the system of Vamparys by continuing to generate recommendation on new items comprising new categories that fail to be identified ... by using other pre-existing program characteristics ... upon generating a first and second recommendations with that are ranked with weighted coefficients and further modifying the system in view of Hendricks by eliminating a first or second recommendation when it falls below the minimum weight and keeping the recommendation that is above the minimum weight, thereby selecting the recommendation that has the higher ranking."

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Vamparys discloses a method of producing recommendations of programs. With reference to page 17, line 22-page 15, which is referred-to in the Office Action, describing the processing shown in Figure 8, Vamparys discloses the generation of a first level recommendation based on the aggregation of weighted recommendations determined from user purchase information, 804, user reminder information 806 and user

monitoring information 808. Vamparys further discloses that the first level recommendation is then combined with a weighted recommendation based on the user tastes (802) to determine a level 2 recommendation. The level 2 recommendation thus represents the aggregation of the recommendation produced from user tastes and the aggregation of weighted recommendations associated user purchases, user reminders and user monitoring. This may be mathematically represented as:

$$\text{Level 2 recommendation} = \text{sum} (w_1a_1, \text{sum} (w_2a_2, w_3a_3, w_4a_4))$$

where  $w_i$  represents a weight factor; and

$a_i$  represents a recommendation value

where  $i=1$  represents user tastes;

$i=2$  represents user purchases;

$i=3$  represents user reminders;

$i=4$  represents user monitoring; and

$\text{sum} (\dots)$  represents aggregation.

Hence, Vamparys discloses only a single recommendation that is provided to the user. Contrary to the suggestion made by the Office Action that it would be obvious to combine the teachings of Vamparys and Henricks to select a higher ranking recommendation, one skilled in the art would not look to combine the selection feature of Henricks with Vamparys to select the higher ranked recommendation from at least two recommendations because Vamparys produces only a single recommendation. Vamparys provides no disclosure for providing two recommendations.

Hence, even if there were some motivation to combine the teachings of Vamparys and Henricks, as suggested, the combination would not include all the elements recited in the claims because Vamparys specifically teaches generating only a single recommendation. Hence, the combination of the cited references can not perform a comparison of two recommendations and select one with the higher recommendation value as only a single recommendation is produced.

At least for this reason, applicant submits that the rejection of the claim has been overcome and respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1 and are also not patentable for the same arguments made with regard to claim 1. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 21, 25, and 26 stand rejected under 35 USC 103(a) as being unpatentable over Vamparys in view of Jacobi and Hendricks and further in view of Applicant's admitted prior art (AAPA).

Claims 21, 25 and 26 dependent from one of the independent claims, and as shown above, the independent claims include subject matter not disclosed by the combination of Vamparys, Jacobi and Hendricks. The additional reference cited (AAPA) fails to provide any teachings to correct the deficiencies found to exist in Vamparys, Jacobi and Hendricks.

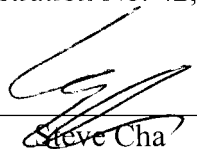
For at least this reason, the aforementioned claims are allowable by virtue of its dependence from an allowable base claim. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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